

Senate Bill No. 478

Passed the Senate September 2, 2009

Secretary of the Senate

Passed the Assembly August 27, 2009

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 7311.1 of, and to add Section 7311.25 to, the Labor Code, relating to employment safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 478, Wolk. Employment safety: manlifts.

Existing law requires that a conveyance, as specified, be erected, constructed, installed, altered, tested, maintained, serviced, and repaired by a person certified by the Division of Occupational Safety and Health as a certified competent conveyance mechanic.

This bill would require that an elevator company disclose its status as a certified qualified conveyance company prior to bidding on a project or contracting for services. The bill would authorize the owner or operator of agricultural production, processing, and handling facilities, as defined, to designate a competent employee who is not required to be a certified competent conveyance mechanic to maintain and test, as specified, the manlifts used at the facilities.

The people of the State of California do enact as follows:

SECTION 1. Section 7311.1 of the Labor Code is amended to read:

7311.1. (a) On and after June 30, 2003, no conveyance subject to this chapter shall be erected, constructed, installed, materially altered, tested, maintained, repaired, or serviced by any person, firm, or corporation unless the person, firm, or corporation is certified by the division as a certified qualified conveyance company. A copy of the certificate shall be kept at the site of the conveyance at all times while any work is in progress, and shall be made available for inspection upon request. However, certification under this section is not required for removing or dismantling conveyances that are destroyed as a result of the complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure and no access is permitted that would endanger the safety of any person. This section does not apply to platform lifts and

stairway chairlifts installed in a private residence as provided in paragraph (2) or (3) of subdivision (a) of Section 7317.

(b) Before March 1, 2003, the division shall establish an application procedure and all requirements for certification under this section as a certified qualified conveyance company, consistent with this section. At a minimum, the individual qualifying on behalf of a corporation, the owner on behalf of a sole ownership, or the partners on behalf of a partnership, shall meet either of the following requirements:

(1) Five years' work experience at a journeyperson level in the conveyance industry in construction, installation, alteration, testing, maintenance, and service and repair of conveyances covered by this chapter. This experience shall be verified by current and previously licensed elevator contractors or by current and previously certified qualified conveyance companies.

(2) Satisfactory completion of a written examination administered by the division on the most recent applicable codes and standards.

(c) At a minimum, each application for certification as a certified qualified conveyance company shall include:

(1) The name, residence and business address, and telephone numbers and other means to contact the sole owner or each partner, or for a corporation of the principal officers and the individual qualifying for the corporation; the number of years the applicant business has engaged in the business of constructing, maintaining, and service and repair of conveyances; and other information as the division may require.

(2) The fee required by this chapter.

(d) Before bidding for or engaging in any work covered by this chapter, a certified qualified conveyance company shall submit proof to the division by certified copies of policies or certificates of insurance, of all of the following:

(1) Liability insurance providing general liability coverage of not less than one million dollars (\$1,000,000) for injury or death of any one person or persons in any one occurrence, with coverage of not less than five hundred thousand dollars (\$500,000) for property damage of any one person or persons in any one occurrence.

(2) Workers' compensation insurance coverage.

(3) In the event of any material alteration or cancellation of any policy specified in paragraph (1) or (2), the certified qualified conveyance company shall provide written notice thereof to the division within five working days.

(e) An elevator company subject to this chapter shall disclose its status as a certified qualified conveyance company prior to bidding on a project or prior to contracting for services. The disclosure shall be in writing and located in a conspicuous place on the bid documents or contract in at least 10-point type.

SEC. 2. Section 7311.25 is added to the Labor Code, to read:

7311.25. (a) The following meanings apply for purposes of this section:

(1) “Agricultural production, processing, and handling facilities” includes grain elevators, feed mills, flour mills, rice mills, rice dryers, and other similar facilities.

(2) “Applicable Elevator Safety Orders” means the Elevator Safety Orders referenced in Subchapter 6 (commencing with Section 3000) of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations, and any successors to those orders.

(b) Notwithstanding Section 7311.2 or any other provision of this chapter, an owner or operator of agricultural production, processing, and handling facilities may designate a competent person in his or her employ to maintain, repair, service, lubricate, or test manlifts installed and used at the facilities if the manlifts are maintained and inspected in accordance with applicable Elevator Safety Orders. The designated competent person need not be a certified competent conveyance mechanic.

Approved _____, 2009

Governor